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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,587	08/30/2001	Chockalingam Arunachalam	DAVOX-173XX	1964

7590 10/27/2003

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EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 10/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/943,587

Applicant(s)

ARUNACHALAM,
CHOCKALINGAM

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-15 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Morganstein (US-PAT-NO: 5,309,504).

For claims 1, 8, and 9 regarding a voice path switch, responsive to said IVR and to said telephone signals, for selectively connecting said telephone signals received from said plurality of outside parties utilizing said plurality of outside telephone apparatus to at least one of said operator terminals and said IVR dependent upon whether operator assistance is required for each of said plurality of outside parties, Morganstein teaches on item 34 Fig. 1 telephone switching system. The telephone switching system of Morganstein is the claimed “voice path switch”. Morganstein also teaches on column 1 line 37 an interactive voice response computer. The

Art Unit: 2645

“interactive voice response computer” of Morganstein is the claimed IVR. Morganstein also teaches on column 1 line 39 “in the event operator assistance is required, a computer connects the calling party to an attendant position equipped with a data terminal”. The “attendant position equipped with a data terminal” of Morganstein is the claimed “operator terminal”. The “in the event operator assistance is required” of Morganstein is the claimed “whether operator assistance is required”.

Regarding “means for populating.....ANI therewith”, Morganstein teaches on step 122 Fig. 4a. When the result of step 122 is “NO”, it is the claimed “each outside call handled by said IVR not having an ANI”. Morganstein also teaches on step 178 “store caller ident. information” (reads on claimed “populating an automatic number identifier”). Morganstein teaches on column 3 line 14-26 a look-up table correlates the calling party identification (claimed “ANI”) with the attendant positions (reads on claimed “populating.....ANI.....with a telephone number or extension of a port that received the telephone signal”). Morganstein teaches on item 16 Fig. 1 attendant position (claimed “a port that received the telephone signal”). The stored automatic number identifier is received by steps 174 and 176 of Fig. 4a. The “store caller ident. information” also reads on “the stored number is associated with the caller”. Regarding “said IVR not having an ANI”, it is inherent that the IVR taught by Morganstein does not have an ANI. To one skilled in the art, ANI refers to an identification of a caller or a calling device used by a caller. The IVR as taught by the Morganstein is not a caller nor is a calling device used by a caller.

Regarding a voice response unit interface for receiving an automatic number identifier (ANI) for each outside call handled by said IVR along with at least a portion of said plurality of

Art Unit: 2645

interactive data exchange records exchanged between said outside party and said IVR, said voice response unit interface including memory for storing said received interactive data exchange records and a lookup table for storing each said received ANI associated with each outside call handled by said IVR. Morganstein teaches on column 3 line 50 “automatic number identification (ANI) equipment for identifying the calling party and providing such information to the data base computer for retrieving an associated record so that it can be later displayed. The “information” of Morganstein is the claimed “data exchange records”. It is inherent that there must be an interface (the claimed voice response unit interface) to receive an automatic number identifier (ANI). It is inherent that there must be a memory for the data base to store information. It is inherent that the data base has tables (the claimed lookup table) for storing the ANI information. Regarding at least one queue, for storing at least calls handled by said IVR, it is inherent that there must be at least one queue for storing at least calls handled by IVR (when multiple calls arrive at the IVR at the same time).

Regarding a data controller, responsive to said queue and said voice response unit interface, for identifying an ANI for each call identified in said specified queue, for comparing each said identified ANI with the ANIs stored in the voice response unit interface lookup table, for retrieving said collected data associated with an ANI stored in said voice response unit interface, and for providing said retrieved data to at least one operator terminal assigning to handle said outside call, Morganstein teaches on item 72 Fig. 2 “common control”. The “common control” of Morganstein is the claimed “data controller”. Morganstein also teaches on item 226 Fig. 4C “access memory, retrieve caller ID and terminal ID”. The “retrieve caller ID” of Morganstein reads on the claimed “comparing each said identified ANI with the ANIs stored



Art Unit: 2645

in the voice response unit interface lookup table". The "terminal ID" of Morganstein is the claimed "data associated with an ANI". Morganstein further teaches on item 228 Fig. 4C "assemble and transmit instruction to host computer to display data associated with caller ID on the terminal having terminal ID". The "transmit ... to display" of Morganstein reads on the claimed "providing". The "terminal having terminal ID" of Morganstein is the claimed "operator terminal".

Regarding claims 2 and 10, Morganstein teaches on column 1 line 37 an interactive voice response computer allows an exchange of information between a data base and the calling party. The interactive voice response computer (the claimed voice response unit) includes at least one data base.

Regarding claims 3 and 11, it is inherent that the voice response unit and voice response unit interface must share a common database (since the "voice response unit interface" is an access interface for the "voice response unit" to receive and transmit information).

Regarding claims 4 and 12, Morganstein teaches on item 18 Fig. 1 "host computer". Morganstein also teaches on item 20 Fig. 1 "data base".

Regarding claims 5 and 13, Morganstein teaches on column 1 line 37 an interactive voice response computer allows an exchange of information between a data base and the calling party. It is inherent that the data base must reside on one host system.

Art Unit: 2645

Regarding claim 6, Morganstein teaches on column 4 line 33 the switching system can be of the PBX.

Regarding claim 7, Morganstein teaches on item 12 Fig. 1 a call distribution system. The “call distribution system” of Morganstein is the claimed “voice response unit”. The “call distribution system” includes the “voice path switch” (item 34, Fig. 1).

Regarding claim 14, it is inherent that a switch must comprise a queue.

Regarding claim 15, Morganstein teaches on Fig. 4C “return”. It is inherent that the data switch controller must monitor the queue for the next queued call and return to the beginning of the process (of Fig. 4C) for the next call.

For claim 19, all rejections as stated in claim 1 apply. Regarding “transferring the telephone call to a queue in a voice path switch”, Morganstein teaches on Fig. 4a and 4b. Between step 120 Fig. 4a and step 200 Fig. 4b the call is queued in the switch. Morganstein teaches on steps 174 and 176 receiving (claimed “identifying”) ANI while the call is in the queue. Regarding “transferring the telephone call to an operator terminal”, Morganstein teaches on step 224 Fig. 4c “connect caller to attendant”. Regarding “transmitting to the operator.....with the ANI”, Morganstein teaches on step 226 Fig. 4c and column 13 line 47 to column 14 line 3 the ANI is transmitted and displayed on the attendant’s terminal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16-18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein as applied to claim 15 above, and in view of Kennedy et al (US-PAT-NO: 6,301,480).

Regarding claim 16, Morganstein failed to teach the IVR comprises a first ANI means and the data switch controller comprises a second ANI means. However, Kennedy et al teach on column 5 line 40 switch directs a service message received from mobile unit to switch or IVR unit for DTMF decoding. The “DTMF decoding” of Kennedy et al reads on the claimed “first ANI means”. Kennedy et al also teach on item 430 Fig. 7 “communicate data message to service center using mobile unit identifier and data network”. It is inherent that there must be a data switch controller on the data network. The “data message ... using mobile unit identifier” of Kennedy et al reads on the claimed “second ANI means”. It would have been obvious to one skilled at the time the invention was made to modify Morganstein to have the IVR comprises a first ANI means and the data switch controller comprises a second ANI means as taught by Kennedy et al such that the modified system of Morganstein would be able to support the first and second ANI means to the system users.

Regarding claim 17, Morganstein failed to teach the means for selectively connecting the incoming telephone call to an interactive voice response unit (IVR) or a voice path switch is a second voice path switch. However, Kennedy et al teach on item 102 Fig. 2 “voice path” connects the incoming telephone call to an interactive voice response unit (IVR). It would have been obvious to one skilled at the time the invention was made to modify Morganstein to have means for selectively connecting the incoming telephone call to an interactive voice response unit (IVR) or a voice path switch is a second voice path switch as taught by Kennedy et al such that the modified system of Morganstein would be able to support the means for connecting the incoming telephone call to an IVR to the system users.

Regarding claim 18, Morganstein failed to teach IVR comprises the means for selectively connecting the incoming telephone call to an interactive voice response unit (IVR) or a voice path switch. However, Kennedy et al teach on item 102 Fig. 2 “voice path” connects the incoming telephone call to an voice path switch (item 100 Fig. 2). It would have been obvious to one skilled at the time the invention was made to modify Morganstein to have IVR comprises the means for selectively connecting the incoming telephone call to an interactive voice response unit (IVR) or a voice path switch as taught by Kennedy et al such that the modified system of Morganstein would be able to support the means for connecting the incoming telephone call to a voice path switch to the system users.

Response to Arguments

3. Applicant's arguments filed on 8/8/03 have been fully considered but they are not persuasive.

i) Applicant argues, on page 12, regarding claim 1 relative to new amendments.

Rejections for this claim is stated above.

ii) Applicant argues, on page 13, regarding incorrect reading of Morganstein.

However, the Examiner disagree. Relative to the amendments made by Paper No. 3A, the rejections, based on the interpretations of the claim, was correct. The interpretation, for that particular limitation, was "each outside call.....not having an ANI". Therefore, the rejections referred to the "NO" results of step 122 Fig. 4a. The "NO" result reads on claimed "each outside call.....not having an ANI". However, relative to the amendments made by Paper No. 5, the particular limitation raised new issues which necessitate new grounds of rejections. See rejections as stated in claim 1 above relative to the new amendments.

iii) Applicant argues, on page 15, regarding "the Examiner has made general conclusions". However, the Examiner disagrees. For all 35 USC § 103 rejections, Applicant is reminded to note all words between "was made to modify" and "to the system users" where the motivation of modification is expressed for each claim. Each claim has different motivation of modification. Therefore, the conclusion for each claim

Art Unit: 2645

is not a general conclusion. The phrase that the Applicant quoted is simply a leading phrase for each different motivation of modifications.

iv) Applicant argues, on page 16, regarding “the combination of Morganstein and Kennedy et al is improper”. However, the Examiner disagree. Morganstein teaches an environment where a telephone call comes from a central office to a call processor. The call processor generates voice prompts to calling party and decode the DTMF code (see column 1 line 21-28 of Morganstein). Kennedy et al teach an environment where a telephone call (service message received from mobile unit) comes from a switch to an IVR for DTMF decoding (see column 5 line 40-42 of Kennedy et al). These two environment setup are exactly the same. It is a perfect motivation to modify the primary reference in view of the secondary reference for the rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2645

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to TC2600's Customer Service FAX Number 703-872-9314.

Patent Examiner

Art Unit 2645

Ming Chow



Allan Hoosain
ALLAN HOOSAIN
PRIMARY EXAMINER
Fan Tsang